

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JAY PAUL DRUMMOPND, DALE BLACKSON,  
BOB A. CICHON, JOSEPH C. ESS, MARK A. MOALES,  
DAVID W. WEIS, MARK D. SMITH, and JAMES CHURCH

MAILED

Application 09/193,564

MAY 23 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on March 13, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that a Reply Brief was mailed on February 7, 2007, in response to the Examiner's Answer dated December 26, 2006, under 37 CFR 41.41.

37 CFR 41.43(a)(1) states; “[a]fter receipt of a reply brief in

compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief.” There is no indication on the record that the examiner has acknowledge receipt and entry of the reply brief filed

February 7, 2007.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to properly acknowledge receipt and entry of the reply brief,
- 2) to have the acknowledgment scanned into the IFW, and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan  
PATRICK J. NOLAN  
Deputy Chief Appeal Administrator  
(571) 272-9797

PJN/ewh

Ralph E. Jocke  
Walker & Jocke, LPA  
231 South Broadway  
Medina, OH 44256